

Remarks

The Office Action mailed April 6, 1990 has been carefully considered. In response, Applicant has amended independent Claims 1 and 11 and cancelled Claim 12. As such, Claims 1-10; 11 and 13; and 14-19 remain in the case with none of the claims being allowed.

The Examiner had rejected Claims 1, 2, 4-11, and 13-19 under 35 U.S.C 102(b) as anticipated by U.S. Patent No. 5,533,789 to McLarty III *et al.* The Examiner also rejected Claims 3 and 12 under 35 USC 103(a) as being unpatentable over McLarty III *et al.*

Reconsideration and allowance is respectfully requested in view of the following remarks.

McLarty III *et al.* teaches a weft insertion knitted fabric using Spandex yarn which is “preferably wrapped with an aesthetically pleasing yarn.” (emphasis added) (Col. 3, lines 40-42) The wrapping of the Spandex yarns helps prevent the Spandex yarn from showing through when the fabric is stretched.

In solution dyeing, a solution of dye is added to the liquid synthetic before spinning it into a yarn. McLarty III *et al.* does disclose the use of solution dyed filament yarns, but not solution dyed Spandex yarns. It is respectfully submitted that the fact that McLarty III *et al.* was aware of solution dyeing and applied it to the filament yarn, but does not or was unable to apply the solution process to the Spandex yarns teaches away from the present invention, as now claimed. Specifically, in the present invention, solution dyed Spandex yarns are utilized, instead of wrapping as taught by McLarty III *et al.*

Thus, the present invention seeks to alleviate a similar problem to that addressed by McLarty III *et al.*, but in a different way. The present invention teaches a method of solution dyeing the Spandex yarns and other yarns separately before knitting, thereby allowing full coverage of each yarn so that no undyed Spandex yarn to show through (i.e. grin-through) when the dyed fabric is stretched. Accordingly, Claims 1 and 11 have been amended to reflect that the first elastomeric component (Spandex) is solution-dyed prior to formation. As such, it is respectfully submitted that McLarty III *et al.* neither anticipates the present invention nor makes the present invention obvious.

By this amendment the Applicant has placed the case in condition for immediate allowance and such action is respectfully requested. However, if any issue remains unresolved,

Applicant's attorney would welcome the opportunity for a telephone interview to expedite allowance and issue.

Respectfully submitted,

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